

#15

By Alderperson : COUNCIL AS A WHOLE

Seconded by Alderperson : _____

**A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 1 OF 2024 AS TO FORM AND
SCHEDULING A PUBLIC HEARING THEREON**

WHEREAS, The City of Rensselaer is desirous of creating Chapter 87 of the City Code of the City of Rensselaer, New York, relative to the Regulation of Deed Restrictions, by the adoption of proposed Local Law No. 1 of 2024, a copy of which is attached hereto, and

WHEREAS, the Common Council has reviewed proposed Local Law No. 1 of the year 2024, and

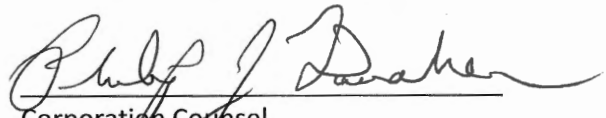
WHEREAS, such Local Law appears appropriate as to form, and a Public Hearing being necessary herein,

NOW, THEREFORE, BE IT, RESOLVED, that proposed Local Law No. 1 of the year 2024 is hereby approved as to form, and

BE IT FURTHER RESOLVED, that a Public Hearing will be held at 6:30 p.m. on February 21, 2024 at the City Hall of the City of Rensselaer located at 62 Washington Street, Rensselaer, New York, so as to allow the Common Council to hear Public Comment on proposed Local Law No. 1 of 2024, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

Approved as to form and sufficiency
this 7th day of FEBRUARY, 2024


Corporation Counsel

So Approved!


Mayor

James Van Vorst	☒ Aye	☐ No	☐ Abstain	☐ Absent
Ernest K. Dambrose	☒ Aye	☐ No	☐ Abstain	☐ Absent
Bryan Leahey	☒ Aye	☐ No	☐ Abstain	☐ Absent
Andrew P. Kretzschmar	☒ Aye	☐ No	☐ Abstain	☐ Absent
Eric Endres	☒ Aye	☐ No	☐ Abstain	☐ Absent
Anne E. Burton	☒ Aye	☐ No	☐ Abstain	☐ Absent
John DeFrancesco	☒ Aye	☐ No	☐ Abstain	☐ Absent
Vote Totals	7 Aye	0 No	0 Abstain	0 Absent
Result	Passed			

CITY OF RENSSELAER

LOCAL LAW NO. 1 OF THE YEAR 2024.

A Local Law to Create Chapter 87 of the Code of the City of Rensselaer, New York, Relative to the Regulation of Deed Restrictions in the City of Rensselaer

Be it enacted by the Common Council of the City of Rensselaer as follows:

ARTICLE I. INTENT

DRAFT

This Local Law shall be known as Local Law No. 1 of 2024, and shall create Chapter 87 of the Code of the City of Rensselaer, New York, relating to the Regulation of Deed Restrictions in the City of Rensselaer. The purpose of this Local Law is to regulate and prohibit Deed Restrictions that prohibit the use of real property for the sale or distribution of grocery, produce and other essential consumer products in the City of Rensselaer. This Local Law supersedes all prior Local Laws and Resolutions dealing with the Regulation of Deed Restrictions that prohibit the use of real property for the sale of grocery, produce and other essential consumer products in the City of Rensselaer.

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby creates Chapter 87 of the Code of the City of Rensselaer, New York, so as to read as follows:

CHAPTER 87 DEED RESTRICTIONS

Section 87-1. Purpose.

The City of Rensselaer, New York, has determined that certain regulations in the field of Deed Restrictions are needed and are necessary in order to promote the general good, health and welfare of its citizens, including the children of the community. Said City, therefore, invokes the privilege and authority given to it under the

provisions of the Municipal Home Rule Law of the State of New York and the general powers granted to said City under its Charter and general laws of the State of New York in such cases made and provided in adopting this chapter. Without protections to assure that the sale and distribution of grocery items, produce and other essential consumer products is allowed in all applicable sites in the City of Rensselaer, the City of Rensselaer could become a “Food Desert”, with the residents of the City of Rensselaer without any available stores from which to obtain necessary food and consumer goods.

Section 87-2. Prohibited Deed Restrictions.

No Deed Restrictions shall be valid, effective or enforceable in the City of Rensselaer that seek to prohibit the use of any real property for use as a store or establishment that sells or distributes grocery items, produce or other essential consumer products.

ARTICLE III. EFFECTIVE DATE

This Law shall take effect immediately upon its filing with the Office of the New York State Secretary of State.

DRAFT

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 202 of the City of Rensselaer was duly passed by the Common Council on _____ 202 , in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2024 of the City of Rensselaer was duly passed by the Common Council on _____, 2024, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Mayor Michael Stammel, and was deemed duly adopted on _____, 2024.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 202____ of the City of Rensselaer was duly passed by the _____ on _____, 200____, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 200____. Such Local Law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 200____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

DRAFT

I hereby certify that the local law annexed hereto, designated as Local Law No. of 202_ of the City of Rensselaer was duly passed by the Common Council on _____, 202_, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, Mayor Michael Stammel, on _____, 202_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 202_0, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 200____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 200____, became operative.

* Elective Chief Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 200____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body

CITY CLERK

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

State of New York
County of Rensselaer

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Corporation Counsel
Title

CITY OF: RENSSELAER

Date: _____